

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652

vs.

HON. GEORGE CARAM STEEH

BILLY ARNOLD, et al,

Defendants.

/

ORDER GRANTING GOVERNMENT'S MOTION
REQUESTING AN ORDER OVERRULING DEFENDANTS'
OBJECTION TO EXCLUDABLE DELAY AND MAKING
CERTAIN FINDINGS UNDER THE SPEEDY TRIAL ACT [DOC. 513]

This matter is before the court on the government's motion requesting an order overruling defendants' objection to excludable delay and making certain findings under the Speedy Trial Act. A federal grand jury returned a Fourth Superseding Indictment on December 15, 2016 charging nineteen defendants with thirty-six counts. Five of the defendants, Billy Arnold, Corey Bailey, Robert Brown, Arlandis Shy, and Keithon Porter, are currently charged in death-eligible counts. The parties are following the death penalty protocol in determining whether the United States will be seeking the death penalty in this case. The government contends that additional time is needed pretrial in order for the parties to

assess both aggravating and mitigating factors that will influence that decision. Due to the nature of the charges and the abundance of evidence involved, the court has designated the case as complex pursuant to § 3161(h)(7)(B)(ii), which tolls the Speedy Trial Clock. (Doc. 202). As of February 28, 2017, all of the defendants have made their initial appearance and have been arraigned on the Fourth Superseding Indictment. All of the defendants are joined for trial.

The government seeks to exclude the time period between March 21, 2017 and May 1, 2017 from the Speedy Trial Clock calculation in order to complete discovery, allow defense counsel time to review discovery and to formulate motions, and to work through the death penalty protocol for the defendants facing death-eligible charges. The government notes that some of defendants concur in the exclusion of time sought, while other defendants do not. The court has not received objections from any defendants within seven days of the government's motion having been filed.

The court finds based on the nature of the case, the size and period of the conspiracy alleged, the volume of discovery, the number of death eligible defendants and the total number of defendants charged, this case

is complex and therefore that the 41 days between March 21, 2017 and May 1, 2017 are excludable under the Speedy Trial Act.

IT IS SO ORDERED.

Dated: April 3, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 3, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk